

FILED

UNITED STATES DISTRICT COURT
of the WESTERN DISTRICT of TEXAS
case # 7:13-cr-151-03 RAJ

JAN 27 2015
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY

Deborah Lorraine Swan, Petitioner

vs

United States of America, Respondent

MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 USC 3582(c)(2)
IN LIGHT OF RETROACTIVE EFFECT OF AMENDMENT 782

On July 18, 2014, the United States Sentencing Commission unanimously agreed to the retroactive application of Amendment 782, subject to special instruction. Amendment 782 generally revised the Drug Quantity Table and Chemical Quantity Table. The proposed Amendment also provides a new application note clarifying that this special instruction does not preclude the Court from conducting sentence reduction proceedings and entering Orders before November 1, 2015, provided that any Order reducing the Petitioner's term of imprisonment has an effective date of November 1, 2015, or later.

In light of the aforementioned synopsis, the Petitioner, Ms. Swan, proceeding pro se, humbly comes before this Court requesting retroactive application of Amendment 782, as she qualifies under 1B1.10. In support thereof she states:

On November 25, 2013, the Petitioner was sentenced to a term of 92 months, followed by 5 years supervised release. The Petitioner was convicted of violating Federal Statutes 21: 846 and 21:841 (B)(1)(A)

Under the jurisdiction fo the Honorable Judge, it is with the Court's discretion to allow relief under the new proposed Amendment. The Court looks at the sentence that would have been imposed had the retroactive Amendment been in effect at the time the Petitioner was sentenced. The Court also, leaving untouched all particularized sentencing factors, what sentence it would have imposed had the new sentencing range been the range at the time af the original sentencing. See US vs Wyatt, 115F.3d 606, 609 (8th Cir. '1997). The Court also considers public safety. The Petitioner has a non-violent, low level drug offense with no gang affiliation. The Petitioner is working continuously to be a productive member of society. She has maintained continuous employment during her incarceration and is involved with Spiritual programs and she is on the waiting list for the "Life Change Program". Ms. Swan has taken both the Trauma and Care 2 classes offered through the Psychology Services. She has also been involved with many health related classes to improve her well being. Attached is her incarceration record which will show that she has been incident free. These are all factors that will prevent recidivism.

Wherefore having met all the criteria and understanding that relief is contingent solely on the Judge's discretion, Ms Swan respectfully requests that this Court grant her motion for reduction of sentence pursuant to 18 USC 3582(c)(2) as she qualifies for retroactive application of Amendment 782.

Respectfully submitted,

Deborah Lorraine Swan

Deborah Lorraine Swan

CERTIFICATE OF SERVICE

I, Deborah Swan, hereby swear under the penalty of perjury that the hereto motion was placed in the prison mailbox with true and correct postage on January 25, 2015. It was mailed to the following:

Federal Courthouse
200 E. Main St.
Midland, TX 79701

So served,

Deborah Swan